

#5 EXH(3)
3/10/04
tu PATENT

2638

Practitioner's Docket No. TRW(TE)6745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Samuel Talmadge et al.

Application No.: 09/775,858

Group No.: 2635

Filed: February 1, 2001

Examiner: Yves Dalencourt

For: **SMART LICENSE TAG SYSTEM**

RECEIVED

MAR 08 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Technology Center 2600

AMENDMENT TRANSMITTAL

Warning: Failure to file a complete response in compliance with § 1.135(c) leads to a reduction in patent term adjustment - See § 1.704(c)(7).

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- ☐ a small entity. A statement:
☐ is attached.
☐ was already filed.
☒ other than a small entity.

CERTIFICATION UNDER 37 CFR §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee" Mailing Label No. _____
(mandatory)

03/04/2004 DTESSEM1 00000096 09775858

01 FC:1253

950.00 OP

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office, (703)

Signature

Date: **February 26, 2004**

Anita J. Galo

(type or print name of person certifying)

**Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) – If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

NOTE: 37 C.F.R. § 1.740(b) "...an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has not effect on the three-month period set forth in this paragraph."

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(1)-(4) for the total number of months check below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Fee \$ 950.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next time, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$950.00

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this is a conditional petition being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA		ADDIT. FEE .		OR	
				RATE				RATE	
TOTAL	*21	MINUS	** 22	=0	X\$ 9=	\$		X\$ 18=	\$0.00
INDEP.	* 2	MINUS	*** 3	=0	X\$ 43=	\$		X\$ 86=	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				=0	X\$145=	\$		X\$290=	\$0.00
						TOTAL		OR	TOTAL
						ADDIT. FEE	\$		ADDIT. FEE
									\$0.00

- * If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box
 In Col. 1 of a prior amendment or the number of claims originally filed.

WARNING "After final rejection or action (§1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a)(emphasis added).

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT

- ☒ Attached is a ☒ check ☐ money order in the amount of \$950.00
- ☒ Authorization is hereby made to charge the amount of \$0.00
- ☒ to Deposit Account No. 20-0090.
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should **not** be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986 (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 20-0090.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 20-0090.


SIGNATURE OF PRACTITIONER

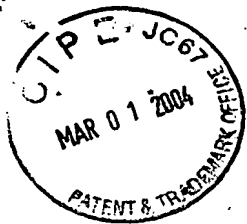
Barry L. Tummino
(type or print name of attorney)

Reg. No.: 29,709

Tel. No.:(216) 621-2234

Customer No.: 26,294

Tarolli, Sundheim, Covell
& Tummino L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, OH 44114-1400
P.O. Address



#6/a
3/10/04
④

PATENT

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450 ON

February 26 2004
Conita J. Halo 02/26/2004
SIGNATURE DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Samuel Talmadge et al.
Serial No. : 09/775,858 ✓
Filing Date : February 1, 2001 ✓
For : SMART LICENSE TAG SYSTEM ✓
Group Art Unit : 2635 ✓
Examiner : Yves Dalencourt ✓
Attorney Docket No. : TRW(TE)6745

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAR 08 2004

Technology Center 2600

AMENDMENT

Sir:

In response to the Office Action dated August 29, 2003, please amend the
above-identified patent application as follows:

Amendment to the Specification begins on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins
on page 3 of this paper.

Remarks begin on page 9 of this paper.